

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

FILED BY \_\_\_\_\_ D.C.  
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CLERK EMMA A. GOULD  
U.S. DISTRICT COURT  
W.D. OF TENN. JACKSON

JIMMIE HILL and BARBARA HILL, )

Plaintiffs, )

VS. )

No. 1:04-1151-T-An

JAMES BOWLES, Chief of Police )  
of the Town of Gibson, *et. al.*, )

Defendants. )

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ORDER DISMISSING CERTAIN CLAIMS WITHOUT PREJUDICE AND  
STRIKING PORTIONS OF PLAINTIFFS' AMENDED COMPLAINT

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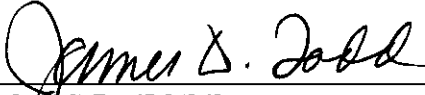

On July 18, 2005, the court entered a very limited order requiring Plaintiffs Jimmie Hill and Barbara Hill ("Plaintiffs") to file an amended complaint clarifying the nature of their 42 U.S.C. § 1983 federal civil rights claims against the defendants and simplifying the issues to be decided prior to trial. Dkt. # 29. In response to the court's order, Plaintiffs filed an Amended Complaint that, among other things, asserted entirely new claims pursuant to 42 U.S.C. § 1985 ("Conspiracy to Interfere With Civil Rights"). The § 1985 claims purport to arise from non-party witness intimidation allegedly occurring during the course of this litigation.

The deadline for the filing of amended pleadings expired on October 29, 2004. Dkt. # 5. But for the court's July 18, 2005 order, there would be no question about the propriety

of trying the new claims in this action. Notwithstanding the July 18, 2005 order, however, the court finds that Plaintiffs' addition of the § 1985 claims in the Amended Complaint plainly exceeded the scope of that order's limited language and purpose. As such, the new claims are still subject to the preexisting deadline.

In light of the court's conclusion, it is ORDERED that Plaintiffs' § 1985 witness intimidation claims are DISMISSED WITHOUT PREJUDICE to their refiling in an appropriate proceeding. It is further ORDERED that paragraphs 20–23 of the Amended Complaint are STRICKEN.

IT IS SO ORDERED.

  
\_\_\_\_\_  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE  
  
  
\_\_\_\_\_  
DATE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 40 in case 1:04-CV-01151 was distributed by fax, mail, or direct printing on December 13, 2005 to the parties listed.

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Honorable James Todd  
US DISTRICT COURT